



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chiocca and Chung

Appl. No. 09/653,277

Filed: August 31, 2000

For: **Cell-Specific and/or Tumor-Specific Promoter Retargeting of Herpes Gamma 34.5 Gene Expression**

Confirmation No. 4747

Art Unit: 1632

Examiner: J. Voitach

Atty. Docket: 0609.4880002/JAG/KRM

**Notice of Appeal From the Examiner to the Board
of Patent Appeals and Interferences - Small Entity**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RECEIVED

NOV 25 2003

TECH CENTER 1600/2900

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final decision of the Examiner dated **May 20, 2003**, in which claims **1-3, 13, 14, 16-23, 25-31, 33, and 36** were finally rejected. The fee (for a qualified small entity) for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is included in our PTO-2038 Credit Card Payment Form. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

11/21/2003 AWONDAF1 00000026 09653277

01 FC:2401

165.00 DP

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Karen R. Markowicz

Karen R. Markowicz

Agent for Applicants

Registration No. 36,351

Date 11-19-03
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

::ODMA\MHODMA\SKGF_DC1;201054;1